

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Curtis Q. Owens, #184674,)
)
Plaintiff,)
)
vs.)
)
Charleston City Police Dept.; City of)
Charleston; Pvt. NFN Inabinett, #1412; Cpl.)
NFN Emmanuel, #1036; Pvt. NFN Shealy,)
)
Defendants.)
_____)

C.A. No. 0:08–02380-TLW-PJG

ORDER

Plaintiff, Curtis Q. Owens (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983. (Doc. #1). The defendants filed a Motion for Summary Judgment on September 19, 2008. (Doc. #19).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett to whom this case had previously been assigned. (Doc. #30). In the Report, the Magistrate Judge recommends that the District Court dismiss the action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(b) because of the plaintiff’s failure to prosecute this action. (Doc. #30). Following the issuance of the Report, the plaintiff filed a “Motion for Restraining Order (TRO),” (Doc. #32), and a document captioned “Plaintiffs Response.” (Doc. #33). Although the document captioned “Plaintiff’s Response,” (Doc. #33), was docketed as an objection to the Report, the substance of the document, in certain respects, may arguably address the defendants’ Motion for Summary Judgment.

In light of the documents filed by the plaintiff following the issuance of the Report, the Court remands this action to the Magistrate Judge for consideration of the documents filed by the plaintiff and possible consideration of the defendants' motion for summary judgment on the merits.

For the foregoing reasons, this case is hereby remanded to the Magistrate Judge for further consideration.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

April 3, 2009
Florence, South Carolina